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# QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

## Letter dated 12 April 1999 from the Permanent Observer of Palestine to the United Nations Office at Geneva addressed to the High Commissioner for Human Rights and the Chairperson of the Commission on Human Rights

After study of the report by Mr. Hannu Halinen, Special Rapporteur (E/CN.4/1999/24), submitted to the fifty-fifth session of the Commission on Human Rights, it was clear that the Government of Israel did not cooperate with the Special Rapporteur in carrying out his mission, defined in his mandate pursuant to Commission on Human Rights resolution 1993/2 A of 19 February 1993 (paragraph 4 of the mentioned report).

It was clear also that the Commission on Human Rights, at its forty-ninth session in 1993, adopted a resolution by which it appointed a Special Rapporteur to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, after tens of resolutions in which the Commission condemned the Israeli practices, the grave violations of the already mentioned principles and bases, and the violations of human rights in the occupied Palestinian territory, since the Israeli military occupation of 1967 of this territory.

The Special Rapporteur underlined in his report, as he did in his previous ones, that Israel is still refusing to cooperate with him in carrying out his mission; it refuses to receive him and to collaborate with him in his capacity as Special Rapporteur appointed by the Commission on Human Rights,

whereas the Palestinian side has opened before the Special Rapporteur, since his designation, all doors and fields, in order to help him with his mission, in line with his mandate as defined in Commission resolution 1993/2 (paragraph 9 of the report).

However, the Special Rapporteur has exceeded his mandate when he talked about matters related to the peace process, matters which have nothing to do with the core of his mandate as defined in the above-mentioned Commission resolution (paragraphs 11 to 13). He also exceeded the core of his mandate when he talked about allegations concerning Palestinian justice (paragraph 51).

What is curious, and not in conformity with the mandate of the Special Rapporteur, is that in his report, he asks for amendments to his mandate so that it would cover other regions far from those defined in resolution 1993/2 (paragraph 58). By so doing, he is ignoring the objective causes behind the persisting deterioration of the situation of human rights under the Israeli occupation of the Palestinian territory, and the practices by the occupation authorities in this regard, for more than 30 years. These causes were in fact the only, and the basic reason for the designation of the Special Rapporteur at the forty-ninth session of the Commission. Yet, if the Special Rapporteur perceives that there are dangers that threaten human rights in other regions outside the framework of his mandate, it is the Commission that can look into this matter; the Commission alone, and without any initiative from the Special Rapporteur, can take the appropriate steps to deal with the situation.

It is also curious that the position of the Special Rapporteur coincides with that of the Representative of the Government of Israel to the Commission, who, in his statement before the Commission on 30 March 1999, asked for support for the request made by the Special Rapporteur in connection with changing the mandate, bearing in mind that he is the representative of the Government which is committing grave violations of human rights in the occupied Palestinian territory, the Government which asserts, year after year, its refusal to cooperate with the Special Rapporteur and refuses to receive him so that he can fulfil his mission, a refusal which constitutes in fact a flagrant rejection of Commission on Human Rights resolutions.

The only way to understand the request made by Israel, on the one hand, and by the Special Rapporteur, Mr. Hannu Halinen, on the other hand, to change the mandate, is so that Israel and its occupation authorities can be free to continue their violations of human rights and of the principles of international law and international humanitarian law, in the absence of any control on the part of the Commission on Human Rights. This request is aimed at keeping out of sight the practices of Israel and those of its occupation authorities. It is also aimed at creating the impression that the Commission, as well as its successive resolutions on the deterioration of human rights in the occupied Palestinian territory, is wrong, at a time when the Israeli occupation of this territory, together with all the grave violations of human rights resulting from this occupation, persists.

On the basis of the above, Palestine, together with a number of States members of the Commission on Human Rights, definitely rejects the request made by Israel and by the Special Rapporteur to change his mandate. We call for

the continuation of this mandate as it was defined by the Commission in its resolution 1993/[illegible] adopted at its forty-ninth session on 19 February 1993. The Palestinian side will continue cooperating with the Special Rapporteur as long as he works in accordance with his above-mentioned mandate.

I would be grateful if you could have this letter distributed, as soon as possible, to the members of the Commission, as an official document of the fifty-fifth session of the Commission on Human Rights under item 8.

(Signed) Nabil RAMLAWI
Ambassador
Permanent Observer

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